



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: BEN-YEHUDA=1

In re Application of:) Art Unit: 1761
Nimord BEN-YEHUDA et al) Examiner: Helen PRATT
Appln. No.: 09/744,681) Washington, D.C.
Date Filed: June 6, 2001) Confirmation No. 6005
For: ENVIRONMENTALLY COMPATIBLE) December 18, 2002
PROCESSES,...

REPLY TO RESTRICTION/ELECTION REQUIREMENT(S)

Honorable Commissioner for Patents
Washington, D.C. 20231

Sir:

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Applicants are receipt of the Office Action mailed September 30, 2002, in the nature of one or more complex (and, respectfully, difficult for applicants to understand) restriction and/or election of species requirement(s).

Attached hereto is a petition for two months' extension of time.

Before addressing the restriction/ election requirement or requirements, applicants respectfully request the PTO to acknowledge receipt of applicants' papers filed under §119. Priority has been claimed and the PCT branch of the PTO has acknowledged, in form PCT/DO/EO/905, that the priority document has been received.

The Office Action indicates that an election of species is required on the basis of lack of unity-of-invention under PCT Rule 13.1 because the species are not so linked as to form a single general inventive concept. As understood, the Office Action indicates that claims 1, 44, 47-49, 54 and 56 are generic (Office Action page 3, line 2).

The requirement is respectfully traversed.

Applicants are unclear as to why the PTO believes that the species lack unity-of-invention because they are not so linked as to form a single general inventive concept, as no reasoning is given in the Office Action. Does the PTO take its position because it believes that each of the categories performs different functions in the composition? With respect, applicants are confused by the requirement.

The present invention is directed to an overall process, not to a series of different processes, and this overall process is "a single general inventive concept", whereby the election requirement (which must conform to PCT Rules 13.1 and 13.2 based on lack of unity-of-invention) is incorrect. The present invention can be performed with any of the embodiments set forth in applicants' claims, because the basic active species of all the possible embodiments is hydrogen peroxide.

It is the use of hydrogen peroxide which is the core of the invention. In addition, it is possible to improve the process by adding different materials, such as dispersed metals or metal ions, activators, synergists, promoters, stabilizers, modifiers, pH regulators and various organic or inorganic additives. However, the addition of said possible materials does not change the process or mode of action, which is still based on hydrogen peroxide.

Accordingly, applicants' invention is directed to use of hydrogen peroxide and that is what applicant broadly elects, if the requirement permits applicants to do so.

If more of an election is required, e.g. an election of an acid, applicants respectfully elects phosphoric acid as a pH regulator, which is recited in claim 15.

If a further election is required, applicant elects the presence of **both** (a) effective trace concentrations of dispersed metals or metal ions **and** (b) effective concentrations of pH regulators. The preferred embodiments of these substances being (see page 21 of text): **As trace concentrations of dispersed metals or metal ions-** dispersions of metals or ions (of various valences when appropriate) such as, but not limited to, copper, zinc, nickel, iron, potassium, magnesium, silver, chromium, molybdenum, magnesium, boron, phosphorous, iodine, sulfur, citrate, etc.

As pH regulators- primarily mineral and organic acids, such as but not limited to phosphoric acid, peracetic acid, hydrochloric acid, sulfuric acid, etc. For optimum effectiveness, the pH should be lower than 6 and preferably between 1-4.

As regards identification of claims, applicants agree with the examiner's identification of generic claims 1, 44, 47-49, 54 and 56. Claims 2-43, 45, 46, 50-53 and 55 are specific.

Applicants respectfully request withdrawal of the requirement or requirements, and examination of all the claims on the merits.

Respectfully submitted,

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